

FILED

SEP 03 2021

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY MAJ DEP CLK

RICHARDS BUILDING SUPPLY, LLC,)

PLAINTIFF,)

v.)

CASE NO.: 5:21-CV-281

DREW HEGARTY)

DEFENDANT.)

DEFENDANT'S MOTION TO DISMISS COMPLAINT

NOW COMES Defendant, *Pro Se*, pursuant to Federal Rule of Civil Procedure, 12(b)(1) and (b)(6) and moves the Court to dismiss Plaintiff's lawsuit in its entirety based upon lack of jurisdiction and failure to state a claim upon which relief can be granted. Defendant will submit its Brief in Support of its Motion contemporaneously herewith.

WHEREFORE, Defendant moves the Court for an Order dismissing Plaintiff's claims pursuant to Federal Rule of Civil Procedure, 12(b)(1) and (b)(6).

This the 3rd day of September, 2021.


DREW HEGARTY, *Pro Se*
6608 Swallowtail Lane
Raleigh, NC 27613
(919) 795 - 6887


CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this day a copy of this filing was served upon counsel of record in this action *via facsimile* and by depositing a copy in the U.S. Mail, postage prepaid and addressed as follows:

c/o Tracy L. Eggleston
COZEN O'CONNOR
301 South College Street, Suite 2100
Charlotte, NC 28202

c/o Mitchell J. Edlund and Corey T. Hickman
COZEN O'CONNOR
123 N. Wacker Drive, Suite 1800
Chicago, IL 60606

This the 3rd day of September, 2021.



DREW HEGARTY *Pro Se*
6608 Swallowtail Lane
Raleigh, NC 27613
(919) 795 - 6887